

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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FIFTIETH LEGISLATIVE DAY  
MONDAY, MARCH 2, 2015

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator McKenzie, absent and formally excused by the Chair; and Senators Davis and Lodge, absent and excused. [District 17 seat is temporarily vacant.]

Prayer was offered by Chaplain Brent Adamson.

The Pledge of Allegiance was led by Lydia Deatherage, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 27, 2015, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SCR 115

#### BY STATE AFFAIRS COMMITTEE

#### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE REGARDING FEDERAL LANDS, REQUESTING THE DEPARTMENT OF LANDS TO PERFORM CERTAIN DUTIES WITH THE FEDERAL GOVERNMENT REGARDING FEDERAL LANDS AND TO PROVIDE FOR PERIODIC REPORTS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the First Regular Session of the Sixty-second Idaho Legislature adopted House Concurrent Resolutions 21 and 22, which authorized the formation of an interim study committee to study the feasibility of the transfer of certain federal lands within the State of Idaho to the State of Idaho;

WHEREAS, the interim study committee met frequently in 2013 and 2014 and heard testimony throughout the state on this topic;

WHEREAS, the committee prepared and approved a committee report on this topic incorporating various ideas and testimony;

WHEREAS, that committee report includes various recommendations; and

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature recommends the following:

The Legislature seek the assistance of Idaho's congressional delegation in asking the federal government to develop an economic model that allows the federal lands in Idaho to be self-sustaining economically in order to provide acceptable standards and management practices on a consistent basis;

That in the event there is transfer of all or any part of federal lands that such title transfers specifically exclude national parks, national monuments, federally designated recreational areas, federal electric power generation facilities, and the Department of Energy, Department of Defense, Indian reservations and Indian trust lands;

That any lands transferred or managed under this resolution not be sold by the state, except as specifically provided for in Section 8, Article IX, of the Constitution of the State of Idaho;

That public access be maintained and, where possible, expanded on lands managed by the state under any state-federal cooperative land management agreement;

That the State of Idaho, through the Department of Lands, develop a "trust model" management plan by which the state would enter into long-term trust agreements with federal agencies for the management of appropriate federal lands within Idaho.

BE IT FURTHER RESOLVED that the Department of Lands is requested to establish an internal working group to meet with federal land management agencies and to identify specific parcels of federal lands suitable for long-term lease management arrangements by the state.

BE IT FURTHER RESOLVED that in considering parcels for possible state management, the working group shall consider such factors as proximity, natural resources production, economic viability, minimization of environmental impact and other factors.

BE IT FURTHER RESOLVED that the parcels agreed upon for trust management by the state shall be considered under the "maximum long-term financial return" standard, and that the economic return objectives outlined in any trust agreements be specifically identified, project by project.

BE IT FURTHER RESOLVED that the Department of Lands shall report to the Legislature and to the federal agencies, as appropriate, at least annually, as to the lease arrangements arrived at and under consideration, the progress of the lease management and the revenue generated therefrom.

[SCR 115](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 2, 2015

The JUDICIARY AND RULES Committee reports that [SCR 113](#), [SCR 114](#), [S 1110](#), [S 1111](#), [S 1112](#), and [S 1113](#) have been correctly printed.

LODGE, Chairman

[SCR 113](#) and [SCR 114](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1110](#) was referred to the Finance Committee.

[S 1111](#) and [S 1112](#) were referred to the State Affairs Committee.

[S 1113](#) was referred to the Agricultural Affairs Committee.

Senator McKenzie was recorded present at this order of business.

February 27, 2015

The JUDICIARY AND RULES Committee reports that [SCR 101](#) has been correctly enrolled.

LODGE, Chairman

The President signed Enrolled [SCR 101](#) and ordered it transmitted to the House for the signature of the Speaker.

February 27, 2015

The JUDICIARY AND RULES Committee reports that Enrolled [S 1018](#) was delivered to the Office of the Governor at 11:30 a.m., February 27, 2015.

LODGE, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 2, 2015

The STATE AFFAIRS Committee reports out [S 1030](#) and [S 1104](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[S 1030](#) and [S 1104](#) were filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 27, 2015

Dear Mr. President:

I transmit herewith Enrolled [H 34](#), [H 36](#), [H 44](#), [H 42](#), [H 4](#), [H 5](#), [H 6](#), [H 7](#), [H 8](#), [H 9](#), [H 23](#), [H 24](#), [H 25](#), and [H 52](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 34](#), [H 36](#), [H 44](#), [H 42](#), [H 4](#), [H 5](#), [H 6](#), [H 7](#), [H 8](#), [H 9](#), [H 23](#), [H 24](#), [H 25](#), and [H 52](#) and ordered them returned to the House.

February 27, 2015

Dear Mr. President:

I return herewith Enrolled [S 1028](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1028](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President announced that the Health and Welfare Committee report relative to the Gubernatorial reappointment of John McCreedy was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Buckner-Webb, seconded by President Pro Tempore Hill, the Gubernatorial reappointment of John McCreedy as a member of the Board of Environmental Quality was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial reappointment of Thomas P. Baskin was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Buckner-Webb, seconded by Senator Lee, the Gubernatorial reappointment of Thomas P. Baskin as a member of the Idaho Industrial Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial reappointment of Ken Edmunds was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Heider, seconded by Senator Lakey, the Gubernatorial reappointment of Ken Edmunds as the Director of the Department of Labor was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Winder, granted by unanimous consent, the committee report of the Gubernatorial appointment confirmation of Dr. David Hill retained its place on the calendar for Tuesday, March 3, 2015.

On request by Senator Winder, granted by unanimous consent, the committee report of the Gubernatorial reappointment confirmation of Wendy Lively retained its place on the calendar for Wednesday, March 4, 2015.

On request by Senator Winder, granted by unanimous consent, [HCR 3](#) retained its place on the calendar for Tuesday, March 3, 2015.

Senators Davis and Lodge were recorded present at this order of business.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Dennis Johnson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

Pursuant to Senate Rule 39(H), Senator Cameron disclosed a possible conflict of interest under applicable law.

On motion by Senator McKenzie, seconded by Senator Ward-Engelking, the Gubernatorial appointment of Dennis Johnson as a member of the Treasurer's Investment Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that [SCR 112](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Keough, seconded by Senator Cameron, [SCR 112](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SCR 109](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Heider, seconded by Senator Burgoyne, [SCR 109](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SCR 110](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Ward-Engelking, seconded by Senator Lee, [SCR 110](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [HCR 5](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Heider, seconded by Senator Lakey, [HCR 5](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

##### **S 1114**

##### **BY FINANCE COMMITTEE**

##### **AN ACT**

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

##### **S 1115**

##### **BY FINANCE COMMITTEE**

##### **AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2015; AND DECLARING AN EMERGENCY.

[S 1114](#) and [S 1115](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

[S 1001](#), [S 1046](#), [S 1047](#), [S 1063](#), and [S 1078](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[H 70](#), by Transportation and Defense Committee, was read the second time at length and filed for third reading.

[H 33](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 68](#), by Local Government Committee, was read the second time at length and filed for third reading.

[H 95](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[S 1109](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### **Third Reading of Bills**

On request by Senator Davis, granted by unanimous consent, [S 1025](#) retained its place on the Third Reading Calendar for Thursday, March 5, 2015.

On request by Senator Davis, granted by unanimous consent, [S 1056](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Mortimer, granted by unanimous consent, [S 1070](#) was referred to the Fourteenth Order of Business, General Calendar.

[H 15](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nonini arose as sponsor of the bill and opened the debate.

On request by Senator Nonini, granted by unanimous consent, [H 15](#), as amended in the Senate, retained its place on the Third Reading Calendar for Thursday, March 5, 2015.

[S 1035](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burgoyne arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1035](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1086](#), having been held, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Thayn arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1086](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1087](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Keough, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 27.

NAYS—Buckner-Webb, Burgoyne, Johnson, Lacey, Rice, Schmidt, Stennett. Total - 7.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1087](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1074](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1074](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, [S 1097](#) and [S 1066](#) retained their place on the Third Reading Calendar for one legislative day.

[S 1091](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1091](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 76](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Guthrie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [H 76](#) passed, title was approved, and the bill ordered returned to the House.

[H 85](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [H 85](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [S 1109](#) retained its place on the Third Reading Calendar beneath [S 1025](#) for Thursday, March 5, 2015.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Tuesday, March 3, 2015.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary